

**REMARKS**

**I. The Section 103 Rejections of Claims 1, 3-10, 13 and 14**

Claims 1, 3-10, 13 and 14 were once again rejected under 35 U.S.C. §103(a) based on Kim et al. ("Kim"), U.S. Patent 6,438,119 in further view of prior art allegedly disclosed in Applicants' application (i.e., text in the specification). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Initially, Applicants once again note the Examiner's admission that Kim does not disclose "a shared control channel" (page 4 of Office Action). To make up for this deficiency the Examiner again relies upon disclosure in the instant application. However, as the Applicants have pointed out before the background information contained in the instant application does not discuss the operation of shared control channels as in the claims of the present invention. In particular, encoded signaling information within existing shared control channels is not separately decoded such that a portion of the encoded information is decoded to derive transmission format information for a corresponding data transmission before a remainder of the encoded information is decoded.

The Office Action contains a section entitled "Response to Arguments" where the Examiner includes additional comments. In this section the Examiner includes a quotation from the Applicants' last response to once again

reject the claims based on a combination of Kim and text from the instant specification.

It is respectfully submitted that the Examiner appears to either misunderstand the references or Applicants' arguments.

To summarize the Applicants' arguments, in order to render claims 1, 3-10, 13 and 14 obvious the references cited by the Examiner must disclose or suggest, among other things: (a) a shared control channel, that (b) includes encoded signaling information of which a (c) portion is separately decoded (d) before a remainder of the encoded signaling information is decoded (elements (c) and (d) may be referred to as "decoding features").

As indicated above, Kim lacks a disclosure or suggestion of a shared control channel. Further, the text in the instant specification lacks the decoding features. In sum, giving the Examiner the benefit of the doubt the most that Kim and the text from the instant specification appear to disclose is the use of a shared control channel in a different way than claimed.

Because none of the cited references, taken separately or in combination, discloses or suggests the use of a shared control channel as in claims 1, 3-10, 13 and 14 these claims are patentable over such references.

## **II. The Section 103 Rejections of Claims 11 and 12**

Claims 11-12 were once again rejected under 35 U.S.C. §103(a) as being unpatentable over Kim in combination with prior art allegedly disclosed in the instant application and in further view of Lee et al. ("Lee"), U.S. Patent

6,621,873. Applicants again respectfully disagree and traverse these rejections for at least the following reasons.

Initially, Applicants again note that Lee does not overcome the deficiencies of Kim and the prior art allegedly disclosed in the instant application discussed above with respect to claims 1, 3-10, 13 and 14. Therefore, for at least the reasons stated above, claims 11 and 12 are not rendered obvious by the combination of references relied upon by the Examiner.

Further, Applicants appreciate the Examiner's acknowledgment that Kim and the alleged prior art disclosed in the instant application fail to disclose or suggest the puncturing of bits from [a] portion of the encoded signaling information that is separately decoded [such that the puncturing] is less than the puncturing of bits from remaining encoded signaling information, as recited in claim 11, and similarly recited in claim 12. The Examiner relies on Lee to overcome this deficiency.

However, the Applicants respectfully submit that Lee does not suggest the claimed puncturing features because it appears that Lee is directed at puncturing "tail symbols" that do not appear to be part of signaling information; rather, they are used for error checking (i.e., parity checking).

In the Office Action (pages 3 and 8) the Examiner appears to acknowledge that Lee does not disclose or suggest the claimed puncturing of signaling information when the Examiner states (after explaining Lee's

puncturing): "One of ordinary skill in the art would recognize that the same puncturing scheme [in Lee] could be applied to a signaling frame as well." Said another way, Lee does not disclose the claimed puncturing of signaling information. In essence the Examiner is relying on the three references plus the Examiner's personal knowledge or opinion to reject the claims. Absent an affidavit attesting to facts in support of such a position, such a position is impermissible.

Accordingly, the Applicants respectfully request that the Examiner withdraw the rejections and allow claims 11 and 12.

**III. Entry of Request for Reconsideration After Final Rejection**

Entry of this Request for Reconsideration ("Request") is solicited because the Request: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues requiring further search and/or consideration; (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary.

Should there be any outstanding matters that need to be resolved in the present application the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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BY 

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